

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONAL AUDIO, LLC

v.

NBCUNIVERSAL MEDIA, LLC

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Case No. 2:13-CV-271-JRG-RSP


ORDER

Currently before the Court is the Report and Recommendation filed by Magistrate Judge Payne on March 11, 2014 (Dkt. No. 40) regarding Personal Audio's Motion to Dismiss Defendant NBCUniversal Media, LLC ("NBC") affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 15, filed July 22, 2013, referred to herein as the "Motion"). No objections having been filed and for the reasons set forth in the Court's Report and Recommendation, the Recommendation is adopted. Accordingly,

IT IS ORDERED that Personal Audio's Motion to Dismiss Defendant NBC's affirmative defenses and counterclaims for failure to state a claim upon which relief can be granted (Dkt. 15) is **GRANTED IN PART** as to NBC's Seventh Affirmative Defense, and **DENIED** as to the remainder.

So Ordered and Signed on this

Mar 31, 2014



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE